

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THERMO FISHER SCIENTIFIC, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:23 CV 1098 JSD
)	
RYAN ARTHUR,)	
)	
Defendant.)	

MEMORANUM AND ORDER

On August 30, 2023, Plaintiffs Thermo Fisher Scientific Inc. (“Thermo Fisher”) and Patheon Biologics LLC (“Patheon”) (collectively, “the Company”), filed a Verified Complaint against its former employee, Ryan Arthur (“Defendant”), alleging misappropriation of the Company’s confidential information and trade secrets, breaching his contractual obligations owed to the Company, and unlawfully accessing and destroying Company data. (ECF No. 1). The Company alleges that Arthur breached his covenants under the Company Information and Invention Agreement (“CIIA”) and violated the Missouri Uniform Trade Secrets Act, Mo. Rev. Stat. §§ 417.450, *et seq.* (“MUTSA”), the Defend Trade Secret Act, 18 U.S.C. §§ 1836, *et seq.* (“DTSA”), the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 (“CAFA”), and the Missouri computer tampering statutes, Mo. Rev. Stat. §§ 537.525 and 569.095, *et seq.* (“MCTS”). The Company also brought a separate claim for injunctive relief (Count Six).

On September 15, 2023, the Company filed a Motion for Preliminary Injunction. (ECF No. 12).¹ Therein, the Company asks the Court to order Defendant to return of all of the

¹ The Certificate of Service stated that the Motion for Preliminary Injunction was served via U.S.

Company's property and for the inspection and analysis of Defendant's portable electronic devices and computers, email accounts, and electronic storage. The Company also seeks an expedited discovery schedule.

On September 15, 2023, the Company filed a Summons Returned Executed (ECF No. 16), which indicated that Defendant was served on September 1, 2023. On September 18, 2023, Defendant filed a Request by Non-Prisoner Self-Represented Party for Electronic Noticing (ECF No. 18), which further indicates that Defendant is aware of this litigation and is receiving electronic notifications of documents filed herein.

Recognizing that the Company seeks expedited relief, the Court nevertheless cannot determine motions for injunctive relief absent full consent of the parties. *See* 28 U.S.C. § 636(b)(1)(A). Therefore, the Court orders the parties to submit their electronic Consent to Magistrate Jurisdiction forms, indicating whether they consent to this Court's exercise of jurisdiction, no later than **Friday, September 22, 2023**. *See* <https://www.moed.uscourts.gov/sites/moed/files/documents/forms/moed-0041.pdf>. If the parties consent to this Court exercising its jurisdiction over this matter pursuant to 28 U.S.C. § 636, then the Court will schedule a hearing on the Company's Motion for Preliminary Injunction (ECF No. 12) post haste. However, if any party does not file a consent to this Court's jurisdiction over this matter by Friday, September 22, 2023, then the Court will transfer this case to a District Judge.

Accordingly,

IT IS HEREBY ORDERED that the parties shall file their electronic Consent to Magistrate Jurisdiction forms no later than **Friday, September 22, 2023**.

Dated this 18th day of September, 2023.



JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE